

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANIEL PANITZ)	
Plaintiff,)	No. 1:22-cv-05200
)	
v.)	Honorable Mary M. Rowland
)	
VERISTAR LLC, VERISTAR GLOBAL)	
LLC, RICHARD AVERS, ROBERT)	
LEUSER, KENNETH WITTENBERG,)	
WILLIAM HEALY, and MARK)	
BELONGIA,)	
Defendants.)	

MOTION TO WITHDRAW AS COUNSEL

NOW COMES PLAINTIFF’S COUNSELS, Michael Lee Tinaglia (“Mr. Tinaglia”) and Brian J. Olszewski (“Mr. Olszewski”), and for their motion pursuant to LR 83.17 to withdraw as counsels for Plaintiff state as follows:

1. In August of 2022, pursuant to a written Representation Agreement, Plaintiff retained the Law Offices of Michael Lee Tinaglia, Ltd. to represent him regarding claims against Defendants.

2. On September 23, 2022, Mr. Tinaglia filed a Complaint against Defendants on behalf of Plaintiff. (Doc. No. 1). Contemporaneously with the filing of the Complaint, Mr. Tinaglia and his associate, Mr. Olszewski, filed their respective attorney appearances on behalf of Plaintiff. (Doc. Nos. 3 and 4, respectively).

3. Plaintiff’s counsels have expended considerable time and effort diligently representing Plaintiff in this matter. Specifically, Plaintiff’s counsels spent considerable time preparing and filing the Complaint and responses to Motions to Dismiss filed by Defendants. Plaintiff’s counsels

also promptly issued written discovery on March 31, 2023 - the earliest date permitted by the Court.

4. However, Plaintiff and his counsels have experienced a complete breakdown in their relationship such that it is not possible for Plaintiff's counsels to continue to represent Plaintiff. Specifically, Plaintiff is noncompliant with his obligations under the terms of the Representation Agreement.

5. Mr. Tinaglia has informed Plaintiff of his noncompliance with the Representation Agreement, and Mr. Tinaglia has made multiple attempts to work with Plaintiff to mitigate the noncompliance. However, despite Mr. Tinaglia's efforts, Plaintiff has not cured his noncompliance, and Mr. Tinaglia's firm cannot continue its representation of Plaintiff without incurring substantial hardship.

6. On June 7, 2023, Mr. Tinaglia had a telephone conversation with Plaintiff, during which Mr. Tinaglia made it clear to Plaintiff that if Plaintiff does not promptly cure his noncompliance with the Representation Agreement, Mr. Tinaglia and Mr. Olszewski will seek leave to withdraw from their representation of Plaintiff. However, Plaintiff has still not cured his noncompliance with the Representation Agreement.

7. Rule 1.16 of the Illinois Rules of Professional Conduct provides that a court may allow an attorney to withdraw from a case if any of the following applies: "withdrawal can be accomplished without material adverse effect on the interests of the client;" "the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled" or "other good cause for withdrawal exists." LR 83.50 and Rule 1.16(b)(1), (5), (7).

8. In this case, there has been a complete breakdown in the relationship between Plaintiff and his counsels due to the failure of Plaintiff to substantially fulfill his obligations to his counsels under the Representation Agreement. Moreover, Plaintiff has not cured his noncompliance despite reasonable warnings from counsel. Grounds for withdrawal therefore exist, and the Court should allow Mr. Tinaglia and Mr. Olszewski leave to withdraw as Plaintiff's counsels in this action.

9. Attached as Exhibit 1 to this motion is the Notification of Party Contact Information required by LR 83.17.

10. A copy of this Motion is being served on Plaintiff as set forth in the Certificate of Service.

11. In addition to granting him leave to withdraw as Plaintiff's counsel in this action, Plaintiff's counsels also request that this Honorable Court stay all pending deadlines, including all pending discovery deadlines, until further order of the Court. That would allow Plaintiff time to either appear *pro se* or obtain successor counsel before addressing pending discovery.

WHEREFORE, Michael Lee Tinaglia and Brian J. Olszewski pray that this Honorable Court enter an order allowing them to withdraw as counsels for Plaintiff and staying all pending discovery deadlines until further order of the Court.

Respectfully Submitted,

/s/ Michael Lee Tinaglia

/s/ Brian J. Olszewski

Michael Lee Tinaglia

Brian J. Olszewski

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Michael Lee Tinaglia, hereby certify that on June 14, 2023, I filed the foregoing document via this Court's CM/ECF system. I further certify that on June 14, 2023, a copy of the foregoing document was sent to Plaintiff, Daniel Panitz, via both Certified and Regular U.S. Mail, as well as by email.

/s/ Michael Lee Tinaglia

Michael Lee Tinaglia

Brian J. Olszewski

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